

## **REMARKS**

Applicants appreciate the thorough examination of the present application as evidenced by the Office Action. Applicants submit that the present rejections should be withdrawn for at least the reasons discussed below.

### **The Drawing Objection:**

The Office Action asserts that "fig 1 is missing." Office Action, p. 2. As noted by the attached postcard, seven (7) sheets of drawings, including sheet one containing Figure 1 were filed with this application. However, to complete the Examiner's file, a replacement sheet 1 is submitted herewith that is identical to sheet 1 as originally filed with this application.

### **The Prior Art Rejections:**

Claims 1-36 stand rejected under 35 U.S.C. § 102(e) as being anticipated by United States Patent No. 6,625,458 to Pihl et al. ("Pihl") or over United States Patent Publication No. 2002/0168988 to Younis ("Younis"). Claims 1 and 26 also stand rejected under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 4,445,118 to Taylor et al. ("Taylor"). Claims 13 and 34 also stand rejected under 35 U.S.C. § 102(e) as being anticipated by United States Patent Publication No. 2003/0129993 to Overy et al. ("Overy").

Independent Claim 1 recites:

A method for determining the position of a mobile terminal comprising:  
determining the position of the mobile terminal based on signals received at the mobile terminal from satellite positioning system transmitters and location assistance information received at the mobile terminal from an ad hoc protocol wireless transmitter.

The Office Action asserts that Pihl at "col 1, lines 18+" discloses all the recitations of Claim 1. Applicants respectfully submit that Pihl does not disclose delivery of assistance information using "an ad hoc protocol wireless transmitter" as recited in Claim 1. In fact, the cited portion of Pihl relied on for the rejection clearly describes the use of a conventional wireless network. As stated in Pihl:

in current wireless telecommunication protocols, such as the one known as the Global System for Mobile Communications, or GSM, the capacity of the point-to-

multipoint broadcast channels (e.g., BCCH, SMS-CB) is limited. As such, it would be difficult or impossible in a practical sense to fit the required GPS Assistance Data into the currently defined point-to-multipoint broadcast channels.

Pihl, Col. 1, lines 54-60. Pihl further states that GPS Assistance Data be delivered "preferably employing already defined point-to-point signaling protocols and message types."

Pihl, Col. 2, lines 31-33. In contrast, as defined in the present application an:

"ad hoc" protocol network or transmitter refers to one that is generally configured at the time of use based on the resources available. Such networks, typically, provide a service discovery protocol to allow, for example, identification of available resources. They may also negotiate various aspects of operations, such as peer relationships between resources, at the time of use of the resources.

Specification, p. 13, lines 12-17. Thus, Pihl not only fails to disclose the use of an ad hoc protocol wireless transmitter, such as Bluetooth, it teaches away from the method recited in Claim 1. Accordingly, the rejection of Claim 1 based on Pihl should be withdrawn for at least these reasons.

Claim 1 is also rejected over Younis. Office Action, p. 3. The Office Action, in particular, asserts that the reference signal 34 of Younis is the location assistance information "received at the mobile terminal from an ad hoc protocol wireless transmitter." Office Action, p. 3. However, as stated in Younis:

The reference signal 34 preferably originates from a radio frequency (RF) signal source that is not part of either the wireless communications system 10 or the satellite positioning system. For example, the signal 34 may be an FM radio broadcast signal, an AM radio broadcast signal, a television broadcast signal or another radio frequency signal.

Younis, ¶ 30. Thus, rather than being a signal from an ad hoc protocol wireless network transmitter, the reference signal 34 of Younis is described as a broadcast signal of a predetermined pattern that is known in advance to receivers. Younis, ¶¶ 33-34 ("reference signal 50"). As discussed above with reference to Pihl, this is clearly not a signal from an ad hoc protocol wireless transmitter. Accordingly, the rejection of Claim 1 based on Younis should be withdrawn for at least these reasons.

Claim 1 is also rejected based on Taylor. Office Action, p. 4. As stated in the background section of the present application:

Taylor et al., U.S. Patent No. 4,445,118, discusses the concept of aiding or assisting GPS receivers. The method described uses a single transmitter, such as a geosynchronous satellite, to provide a single assistance message for a wide geographical area. The assistance message data includes a list of GPS satellites in view, the respective satellite positions, and predicted Doppler shifts on the satellite signals. This structure of this message permits the position computation function (PCF) to be done in the user receiver.

Specification, p. 4, lines 19-25. The Office Action cites to the abstract of Taylor, which states the "aiding signal is FSK modulated on a reference channel slightly offset from the standard GPS channel." Taylor, Abstract. As is clear, not only from the Abstract but the detailed description of Taylor, this broadcast aiding signal, as with the reference signal of Younis, is simply not from "an ad hoc protocol wireless transmitter" as recited in Claim 1. Accordingly, the rejection of Claim 1 based on Taylor should be withdrawn for at least these reasons.

The claims depending from Claim 1 are patentable at least based on the patentability of Claim 1. Independent Claim 26 contains corresponding apparatus recitations. Accordingly, Claim 26 and the claims that depend therefrom are patentable over Pihl, Younis and Taylor at least for the reasons discussed above with reference to Claim 1.

Claim 17 recites:

A method for determining the position of a mobile terminal comprising the following performed by the mobile terminal:

- receiving location signals from satellite positioning system transmitters;
- receiving location assistance information from a wide area wireless communication network in an associated format defined by a protocol of the network;

- receiving location assistance information from a local wireless transmitter in the associated format, wherein the local wireless transmitter and the wide area wireless communication network are uncoordinated and have different associated wireless transmission protocols; and

- determining the position of the mobile terminal based on the received location signals from the satellite positioning system transmitters and location assistance information received from either the wide area wireless communication network or the local wireless transmitter.

Thus, Claim 17 recites obtaining location assistance information from a local wireless

transmitter in the same format used by the wide area wireless communication network to provide location assistance information.

The Office Action asserts that receiving assistance information from two distinct sources in a common format is taught by Pihl and Younis. Office Action, pp. 2-4. However, no explanation is provided of what portions of Pihl and Younis teach these two distinct sources, nonetheless the use of a common format between the two sources. Instead, the Office Action provides little more than a conclusory assertion of the teachings of these references using the terminology of the claims with only selective and impartial use of references to item numbers of the cited references. Such conclusory assertions simply fail to meet the Examiner's burden of establishing that all of the recitations of the claims are disclosed by the cited references. Accordingly, the rejections of Claim 17 and the claims that depend therefrom should be withdrawn for at least these reasons. If the rejections are not withdrawn, Applicants respectfully request a presentation of the rejections providing an identification of the item numbers or text portions of the cited references alleged to teach each of the recitations of the claims to allow Applicants a fair opportunity to address such rejections.

Claim 30 includes corresponding apparatus recitations to those of Claim 17. Accordingly, the rejections of Claim 30 and the claims that depend therefrom should be withdrawn for at least the reasons discussed above with reference to Claim 17.

With respect to Pihl and Younis, Applicants submit that independent Claims 13 and 34 are patentable for substantially the same reasons as discussed above with reference to Claim 1. In addition, Claims 13 and 34 have been amended above to incorporate recitations related to the use of a satellite positioning system in determining the position of a mobile terminal to further clarify the invention as recited in these claims. As such, as implicitly recognized by the Office Action in light of only citing Overy against claims not including such recitations, the rejection of these claims based on Overy has been obviated. Accordingly, the rejections of Claims 13 and 34 and the claims that depend therefrom should be withdrawn for at least these reasons.

Applicants note that various of the dependent claims are also separately patentable in

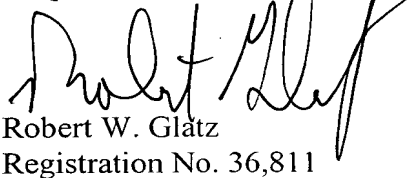
In re: Jendbro et al.  
Serial No. 10/661,456  
Filed: September 10, 2003  
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light of the limited teachings of the cited prior art. However, given the failure of the Office Action to provide an identification of the portion(s) of the cited references allegedly disclosing all the recitations of even the independent claims, it is impractical, at this time, for Applicants to provide more explanation than a generalized assertion that such recitations of the dependent claims are not disclosed. This is particularly true as the only claims actually discussed in the rejections are the independent claims.

### **Conclusion**

Applicants respectfully submit that, for at least the reasons discussed above, the references cited in the present rejections do not disclose or suggest the present invention as claimed. Accordingly, Applicants respectfully request allowance of all the pending claims and passing this application to issue.

Respectfully submitted,



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Carey Gregory

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*M.S. Patent Application*

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

*Rugby*

Date: 9-10-03  
Doc. No. 9342-108  
Serial No. 78A  
Inventor: Jendro et al

Sir: 00-24-03 A :05 IN  
Kindly acknowledge receipt of the accompanying items listed below  
by placing your receiving stamp hereon and return mailing:

<input checked="" type="checkbox"/> Application Transmittal and:	<input type="checkbox"/> Check \$
<input checked="" type="checkbox"/> Specification pages <u>28</u>	<input checked="" type="checkbox"/> IDS & PTO-1449 & <u>4</u> refs.
<input checked="" type="checkbox"/> No. of Claims <u>36</u>	<input type="checkbox"/> Amendment & Amend. Transmittal
<input type="checkbox"/> Declaration & POA	<input type="checkbox"/> Preliminary Amendment
<input type="checkbox"/> Assignment and Fee	<input type="checkbox"/> Issue Fee
<input type="checkbox"/> Small Entity Statement	<input type="checkbox"/> Brief
<input checked="" type="checkbox"/> Formal Drawings/ <u>7</u> sheets	<input type="checkbox"/> Appeal
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☒ Other: Application filed under 37CFR 1.41(c)

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22141 U.S. PTO

10/661456

